

12:29 pm, Nov 20 2020

1:20-mj-2954 TMD

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY _____ Deputy**AFFIDAVIT OF Patrick O'Donnell**
Special Agent, Federal Bureau of Investigation

I, Patrick O'Donnell, being first duly sworn, hereby depose and state as follows:

Background and Experience

1. Your affiant, Special Agent Patrick O'Donnell, is a duly sworn member of the Federal Bureau of Investigation ("FBI"). As a Special Agent, I am an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Titles 18 and 21 of the United States Code.

2. I am a duly sworn member of the FBI and have been so employed since July 8, 2018. I am currently assigned to the Baltimore Division of the FBI in Baltimore, Maryland.

3. I completed new agent training at the FBI Academy in Quantico, Virginia and have successfully completed in-service training courses on drug enforcement and other topics sponsored by the FBI, Drug Enforcement Administration ("DEA") and the U.S. Department of Justice. I am currently assigned to the FBI's Organized Crime Drug Enforcement Task Force (OCDETF) Strike Force, where I am tasked with investigating violent criminal organizations operating in and around the Baltimore Metropolitan area. Prior to my assignment with the FBI OCDETF Strike Force, I was assigned to the FBI's Safe Streets Task Force in Baltimore, Maryland. I have participated in investigations involving unlawful activities to include drug smuggling/trafficking, firearms offenses, and violent crime occurring in the District of Maryland. I have also received specialized tactical training and obtained certifications as an FBI Special Weapons and Tactics (SWAT) operator and FBI Firearms Instructor (FI).

4. Prior to my employment with the FBI, I worked as a boarding officer with the United States Coast Guard ("USCG"). During my tenure with the United States Coast Guard, I received specialized training in counter-drug law enforcement operations and participated in

multiple operations that enforced federal narcotics statutes.

5. The facts set forth in this affidavit are based on your affiant's own personal knowledge, knowledge obtained from oral and written reports by other law enforcement officers, physical surveillances, interviews, subpoenaed and public records, database checks, phone analysis, and information gained through your affiant's training and experience. Since this affidavit is for a limited purpose, your affiant has not included every fact known about this investigation. Your affiant sets forth only facts necessary to establish a foundation for the requested criminal complaint. Dates and times are approximate.

Summary of the Investigation

6. At approximately 4:22 p.m. on October 25, 2019, the Baltimore County Police Department was dispatched to the Catonsville Pharmacy in Catonsville, Maryland for a commercial holdup alarm and panic alarm.

7. When officers arrived at the Catonsville Pharmacy, a store employee informed them that two black males entered through the main entrance of the store and announced a robbery. According to the store employee, other eyewitness statements, and security camera footage, the first subject, later identified based on the evidence discussed below as Moustapha GUEYE (GUEYE), was wearing a blue hooded sweatshirt, blue sweatpants, a black puffy winter jacket, white socks, and black and white Under Armour shoes. The subject was carrying a yellow and orange construction vest, and was armed with a black submachine gun that resembled a TEC-9 style machine pistol. GUEYE pointed the firearm at the employees behind the pharmacy counter and demanded prescription pills to include Oxycodone, Xanax, and Adderall. The second subject was wearing dark-colored pants and a dark hooded sweatshirt. In response to the robbers' demands, the pharmacy employees provided drugs to the robbers, and surreptitiously included an

oxycodone bottle equipped with an alarm and a GPS tracking device. The subjects then directed the pharmacy's customers and employees to lay on the floor. The suspects left with the drugs, including the tracker (unknown to the robbers).

8. The Baltimore County Police were notified of the GPS package alarm, which had been set in motion and had begun transmitting its location to investigators. As a result of the tracker information, investigators located GUEYE along with two other individuals in a Porsche sedan. Officers surrounded the car and the vehicle attempted to escape, but crashed. Just prior to the crash, one of the suspects escaped, but the driver, and GUEYE fled the car after it crashed. Both the driver and GUEYE were apprehended. When GUEYE fled the car, he was carrying the large black trash bag filled with the stolen prescription drugs.

9. The Porsche was searched pursuant to a state search warrant and several of the items that both GUEYE and the other robber were wearing during the robbery (as seen on the surveillance video), to include dark-colored face coverings and black gloves, were recovered from the crashed vehicle. Additionally, a loaded firearm, a TEC-9 style pistol, AA Arms, Serial Number 57921 was also recovered. This gun appeared to be the same gun GUEYE was carrying during the robbery.

10. Based on the circumstances of the arrest and robbery, investigators believe that GUEYE participated in the Catonsville Pharmacy robbery and was one of the robbers seen in the surveillance video. At the time of GUEYE's arrest, he was wearing the same clothes, that is, a blue hooded sweatshirt, blue sweatpants, and black and white Under Armour shoes, which are similar to the items that the robber was wearing at the time of the robbery. Additionally, a black puffy winter jacket and a yellow and orange construction vest, both observed in the surveillance video, were recovered out of the Porsche. As mentioned earlier, GUEYE pointed the loaded


firearm at the employees behind the pharmacy counter and demanded prescription pills to include Oxycodone, Xanax, and Adderall.

11. The Catonsville Pharmacy was a business that engaged in interstate commerce, including the sales of pharmaceutical products and other products exchanged in interstate commerce. Therefore, the aforementioned robbery affected, interfered with, and obstructed interstate commerce by interfering with the conduct of the pharmacy business and by depriving the business of articles of interstate commerce, including pharmaceutical products, that would have been sold by the business.

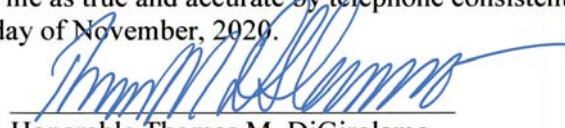
Conclusion

Therefore, based on the facts set forth above, your affiant believes there is probable cause to believe that the defendant Moustapha GUEYE conspired with others to unlawfully take and obtain property consisting of prescription pills from the person and presence of employees of Catonsville Pharmacy, located at 6350 Frederick Road, Catonsville, MD 21228, against the employees' will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees' persons by means of a firearm and deadly weapon, on October 25, 2019, in the District of Maryland, in violation of 18 U.S.C. § 1951 (a).

I, Patrick O'Donnell, affirm under penalties of perjury that the facts and circumstances recounted in the foregoing affidavit are true and accurate to the best of my knowledge.


Patrick J. O'Donnell
Special Agent, FBI

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 4(d) this 20 day of November, 2020.


Honorable Thomas M. DiGirolamo
United States Magistrate Judge